

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.20428 OF 2005

DATED:16.9.2005

Between:

K. Vijayender Reddy

...Petitioner

And

The Municipal Commissioner,

Nalgonda Municipality,

Nalgonda, Nalgonda District

...Respondent

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.20428 OF 2005

ORDER:

The petitioner is resident of Nalgonda Town. He obtained building permission and constructed ground floor and first floor in Plot No.1, Ward No.5, Nalgonda Municipality. According to him, he did not contravene the provisions of A.P. Municipalities Act, 1965 (for short, the Act) or deviated from the sanctioned plan. He alleges that officials from the office of respondent came to the plot on 14.9.2005 and demolished the structures, which he could not resist. Immediately, he approached the respondents on the same day. He alleges that still the respondent is bent upon to demolish the structures. Therefore, present Writ Petition is filed.

At the time of admission itself, learned Standing Counsel for respondent Municipality

has produced relevant file from the office of respondent and on instructions he submits that the petitioner deviated from the building permission while making construction and therefore notice under Section 228 (1) of the Act was issued. As the petitioner refused to take the notice/provisional order, same was affixed to the house of the petitioner and thereafter a final order under Section 228(3) of the Act was also passed. He also submits that deviated projections were already demolished. After perusing the file produced by the learned Government Pleader, these submissions are found to be correct.

Learned counsel for the petitioner, Sri M.Venkatram Reddy, also perused the file and contends that the respondent never issued any notice to petitioner under Section 228(1) of the Act and petitioner never refused to accept any such notice as alleged. He, however, seeks leave of this Court to file appropriate civil suit.

The Writ Petition with the above observation is accordingly disposed of giving liberty to petitioner to approach the Civil Court. No costs.

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(V.V.S.RAO, J)

16.9.2005

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